

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00340

**Eric Dewayne Hodge,**  
*Petitioner,*

v.

**Director, TDCJ-CID,**  
*Respondent.*

**ORDER**

Petitioner Eric Dewayne Hodge, an inmate confined in the Texas Department of Criminal Justice (TDCJ) proceeding pro se, filed this habeas corpus action. The case was referred to United States Magistrate Judge John D. Love.

On March 9, 2023, the magistrate judge issued a report recommending that petitioner habeas petition be denied and that he further be denied a certificate of appealability sua sponte. Doc. 37. Petitioner filed timely objections. Doc. 39. In his objections, petitioner again complains about the state habeas court proceedings and relitigates his underlying claims.

When timely objections to a magistrate judge's report and recommendation are filed, the court reviews them de novo. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Petitioner's objections are overruled, as he has not identified the denial of a federal constitutional right. "Federal habeas relief cannot be had 'absent the allegation by a plaintiff that he or she has been deprived of some right secured to him or her by the United States Constitution or the laws of the United States.'" *Malchi v. Thaler*, 211 F.3d 953, 957 (5th Cir. 2000) (quoting *Orelana v. Kyle*, 65 F.3d 29, 31 (5th Cir. 1995)). Moreover, petitioner fails to address the substance of the magistrate judge's report—namely, that petitioner fully discharged the sentence for which he complains.

Having reviewed the magistrate judge's report de novo, the court accepts the findings and recommendations. Petitioner's objections are overruled. Petitioner's habeas petition is denied, and the case is dismissed with prejudice. Petitioner is further denied a certificate of appealability sua sponte. All motions which may be pending in this civil action are denied.

*So ordered by the court on May 19, 2023.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER  
United States District Judge